

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHARLES JERGER,

Plaintiff,

v.

D&M LEASING DALLAS AND ALLY  
FINANCIAL INC.,

Defendants.

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CIVIL ACTION NO. 3:20-cv-02109-E

**STIPULATION OF DISMISSAL**

COME NOW, D&M Leasing Dallas,<sup>1</sup> Defendant in the above-styled cause (“D&M”), together with Charles Jerger, Plaintiff in the above-styled and numbered cause (“Plaintiff”), and Ally Financial Inc., Defendant in the above-styled and numbered cause (“Ally”) (D&M and Ally are collectively referred to herein as “Defendants”), and make and serve this, their Stipulation of Dismissal, and would respectfully show the Court as follows:

1. On or about April 13, 2020, Plaintiff initiated a lawsuit in the United States District Court for the Eastern District of Texas, Sherman Division, Cause No. 4:20-cv-00309-ALM; styled *Charles Jerger v. D&M Leasing Dallas and Ally Financial Inc* (the “Initial Lawsuit”). The Initial Lawsuit was subsequently transferred to the United States District Court for the Northern District of Texas, Dallas Division, on or about July 28, 2020, and was assigned Cause No. 3:20-cv-02109-E (the “Federal Lawsuit”).

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<sup>1</sup> D&M Leasing Dallas is an assumed name of Vehicle Leasing II, L.L.C.

2. On or about September 30, 2020, the Federal Lawsuit was stayed pending completion or resolution of the matter through Arbitration.

3. In or around May 2021, arbitration was initiated with arbitrator, Michael Metcalf (the “Arbitration Proceeding”).

4. On or about January 28, 2022, the Parties executed a Settlement Agreement (the “Settlement Agreement”), which is incorporated herein by this specific reference, resolving all claims that have been, or could have been, asserted in this Lawsuit or the Arbitration Proceeding.

5. This Lawsuit is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Federal Rule of Civil Procedure 23.1, or an action related to an unincorporated association under Federal Rule of Civil Procedure 23.2.

6. A receiver has not been appointed in this Lawsuit.

7. This Lawsuit is not governed by any federal statute that requires a court order for dismissal of this Lawsuit.

8. Plaintiff has not previously dismissed any federal or state court lawsuit based on or including the same claims as those presented in this Lawsuit.

9. Plaintiff moves to dismiss this Lawsuit.

10. Defendants agree to the dismissal of this Lawsuit.

11. This dismissal is with prejudice, and disposes of all claims and named parties pending in this Lawsuit.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, the Parties request that the Court enter an Order: (1) dismissing with prejudice all claims that have been or could have been asserted in this Lawsuit, with Plaintiff to bear all his costs and attorneys’ fees incurred in this Lawsuit, (2)

dismissing with prejudice all named parties pending in this Lawsuit, and (3) granting the parties such further relief to which they may show themselves to be justly entitled.

Respectfully submitted,

/s/ Ericha R. Brown

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ALLY FINANCIAL INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2022 the foregoing document was served in accordance with the Federal Rules of Civil Procedure via electronic-mail to the following counsel of record:

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